

Appl. No. 10/621,939
Response dated October 6, 2005
Reply to Office Action of September 28, 2005

REMARKS

In the above-mentioned Office Action, the Examiner stated that the application contains claims directed to two patentably distinct species, I and II. The Examiner identified species I to be shown in Figures 1-3 of the drawings, and the Examiner identified species II to be shown in Figure 4 of the drawings. The Examiner required the Applicant to elect a single disclosed species and list all claims readable on the elected species.

Responsive to the requirement entered by the Examiner, the Applicant elects the invention of species I, identified by the Examiner to be shown in Figures 1-3. Independent claims 1 and 16, and dependent claims 2-13 and 17-20 are believed to be readable upon the embodiment shown in Figures 1-3.

The Applicant also traverses the Examiner's assertion that no claims of the application are generic for the reason that the Applicant believes both independent claims 1 and 16 to be generic claims. Claim 1 recites:

"An evacuator at least engageable in fluid connectivity with the enclosure defined by said housing base member together with said housing cover member when positioned thereon, said evacuator for evacuating air out of the enclosure to a selected level of vacuum, thereby to maintain the optical media in the isolation from the ambient environmental conditions."

Claim 16 recites an analogous operation of evacuating air out of an enclosure. These recitations are believed to be readable upon the embodiments of the invention shown in both Figures 1-3 and in Figure 4.

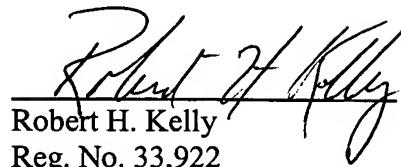
As the Applicant has made an election and has provided a listing of all claims readable on the elected species, the application is believed to be in condition for the Examiner's early examination and consideration for allowance. Such early action is earnestly solicited.

Appl. No. 10/621,939
Response dated October 6, 2005
Reply to Office Action of September 28, 2005

Respectfully submitted,

Dated: 6 Oct 05

SCHEEF & STONE, L.L.P.
5956 Sherry Lane, Suite 1400
Dallas, Texas 75225
Telephone: (214) 706-4201
Fax: (214) 706-4242
robert.kelly@scheefandstone.com



Robert H. Kelly
Reg. No. 33,922